



**Project #15-047
Miscellaneous Code Amendments
Code Amendment**

REPORT SUMMARY...

<i>Project Name:</i>	Miscellaneous Code Amendments
<i>Proponent/Owner:</i>	Community Development Department
<i>Project Address:</i>	Citywide
<i>Request:</i>	Code Amendment
<i>Type of Action:</i>	Legislative
<i>Date of Hearing:</i>	September 1, 2015
<i>Submitted By:</i>	Mike DeSimone, Director

RECOMMENDATION

Staff recommends that the Planning Commission recommend **approval** to the Municipal Council for the following amendments to the Land Development Code (LDC): Sections 17.14 (General Development Standards: Residential Zones) and 17.60 (Administrative Enforcement).

REQUEST

These proposed amendments clean up missed language from earlier code amendments.

Section 17.14.030.C.1 – changing the percentage of a garage footprint from 50% to 100% relative to the primary structure to match the spec sheets. This was an oversight in an earlier amendment dealing with garages.

Section 17.40.60.220 – replace references to Board of Adjustment to Board of Land Use Appeal. This was an oversight in an earlier amendment.

GENERAL PLAN

The Land Development Code was prepared and adopted to implement the vision expressed in the General Plan. These proposed amendments are consistent with the General Plan.

STAFF RECOMMENDATION AND SUMMARY

Staff would recommend that the Planning Commission forward a recommendation of approval to the Council for their consideration.

PUBLIC COMMENTS

As of the time the staff report was prepared, no public comments had been received.

PUBLIC NOTIFICATION

Legal notices were published in the Herald Journal on August 23, 2015, posted on the City's website and the Utah Public Meeting website on August 27, 2015, and noticed in a quarter page ad on August 23, 2015.

AGENCY AND CITY DEPARTMENT COMMENTS

No comments have been received.

RECOMMENDED FINDINGS FOR APPROVAL

The Planning Commission bases its decisions on the following findings:

1. Utah State Law authorizes local Planning Commission to recommend ordinance changes to the legislative body (Municipal Council).
2. The Code Amendments are in conformance with the requirements of Title 17.51 of the Logan Municipal Code.
3. No public comment has been received regarding the proposed amendment.

This staff report is an analysis of the application based on adopted city documents, standard city development practices, and available information. The report is to be used to review and consider the merits of the application prior to and during the course of the Planning Commission meeting. Additional information may be revealed by participants at the Planning Commission meeting which may modify the staff report and become the Certificate of Decision. The Director of Community Development reserves the right to supplement the material in the report with additional information at the Planning Commission meeting.



APPLICATION FOR PROJECT REVIEW

☒ Planning Commission ☐ Board of Adjustment ☐ Board of Appeals ☐ Other

Date Received	Received By	Receipt Number	Zone	Application Number PC 15-047
Type of Application (Check all that apply):				
<input type="checkbox"/> Design Review	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Zone Change	<input type="checkbox"/> Boundary Line Adjustment
<input type="checkbox"/> Code Amendment	<input type="checkbox"/> Appeal	<input type="checkbox"/> Variance	<input type="checkbox"/> 4950' Design Review	<input type="checkbox"/> Other _____
PROJECT NAME				
TEXT AMENDMENT – LOGAN LAND DEVELOPMENT CODE				
PROJECT ADDRESS			COUNTY PLAT TAX ID #	
CITYWIDE – TEXT AMENDMENT.				
AUTHORIZED AGENT FOR PROPERTY OWNER (<u>Must</u> be accurate and complete)			MAIN PHONE #	
LOGAN CITY COMMUNITY DEVELOPMENT DEPARTMENT			(435) 716-9021	
MAILING ADDRESS		CITY	STATE	ZIP
290 NORTH 100 WEST		LOGAN	UTAH	84321
EMAIL ADDRESS				
WWW.LOGANUTAH.ORG ; MIKE.DESIMONE@LOGANUTAH.ORG				
PROPERTY OWNER OF RECORD (<u>Must</u> be listed)			MAIN PHONE #	
CITYWIDE				
MAILING ADDRESS		CITY	STATE	ZIP
EMAIL ADDRESS				
DESCRIBE THE PROPOSED PROJECT AS IT SHOULD BE PRESENTED (Include as much detail as possible - attach a separate sheet if needed) AMEND LOGAN LAND DEVELOPMENT CODE CHAPTERS 17.14 & 17.60 TO CORRECT CHANGES MADE IN EARLIER AMENDMENTS.				
			Size of Proposed New Building (square feet)	
			Number of Proposed New Units/Lots	
I certify that the information contained in this application and all supporting plans are correct and accurate. I also certify that I am authorized to sign all further legal documents and permits on behalf of the property owner.			Signature of Property Owner's Authorized Agent	
I certify that I am the property owner on record of the subject property and that I consent to the submittal of this project. I understand that all further legal documents and permits will be sent to my authorized agent listed above.			Signature of Property Owner	

mc workshop: Oct. 6
mc hearing: Oct. 20

§17.14.030 Garages, Parking, and Accessory Structures**A. Purpose.**

Section 17.14.030 provides standards for the placement, orientation, and design of garages, parking areas, and accessory structures in Residential zones. It is intended to ensure that new development and street frontages are consistent with a traditional pattern of neighborhood development, in which garages, driveways, parking lots, and accessory structures are visually subordinate to primary uses, front yard setbacks are free of vehicle storage, and streetscapes are inviting to pedestrians.

B. Applicability.

The provisions of Section 17.14.030 apply to all new residential development.

C. Garage, Carport and Automobile Tent Standards.

1. Garages and other accessory structures located within the front half of a lot (street frontage) shall not exceed 50% of the total building front/street-facing elevation.
2. No individual garage or other accessory structure shall exceed ~~50~~100% of the primary structure's ground floor gross floor area.
3. Detached Garages and/or accessory structures shall be set back a minimum of 10 feet from the longest portion of the front/street-facing elevation of the primary structure (See Figure 17.14.030.C.1).
4. Attached front loading Garages shall not extend more than 10 feet forward from the longest portion of the front/street facing elevation of the primary structure. Side-loaded garages attached to the primary structure shall not extend more than 15 feet from the longest portion of the front/street facing elevation of the primary structure.
5. No detached garage or other accessory structure shall be located within six (6) feet of another structure, except where a common wall is approved through Design Review.
6. Access to garages may require shared driveways (one drive for two garages), alleys, or shared parking courts, subject to Design Review.
7. Carports may be permitted provided they comply with the accessory structure setbacks identified above. When used to cover an approved off-street parking space, carports equal to or less than two-hundred (200) square feet in size may be located less than six feet (6') from the primary structure. All structures greater than two-hundred (200) square feet in size shall require a building permit. Prefabricated carports or canopies are prohibited in all residential zones.
8. Roof form for all garages and carports must be gabled and have the same pitch as the primary structure.
9. If an accessory structure is less than or equal to 120 square feet and less than or equal to 10 feet high at highest portion, one (1) foot side and rear setbacks are allowed. Otherwise, standard setbacks apply. If the side yard is adjacent to a street, the accessory structure must be a minimum of 20 feet away from the street side property line.



The garage is set back from the primary structure.

§17.60.200. Notification of Administrative Enforcement Hearing

- A. Written notice of the date, time, and place of the administrative enforcement hearing shall be served to the responsible person as soon as practicable prior to its date.
- B. The notice shall be served by any of the methods of service set forth in §17.60.120 of this Title.

§17.60.210. Appointment and Qualifications of Hearing Examiner

- A. The Mayor or his designee shall appoint hearing examiners to preside at administrative enforcement hearings.
- B. A Hearing Examiner.
 1. Shall have no personal or financial interest in the matter for which he is conducting a hearing; and
 2. May be a City Employee if his/her primary responsibility is as the Hearing Examiner.

§17.60 220. Powers of Hearing Examiner

- A. A hearing examiner shall have authority to hold an administrative enforcement hearing for violations of the Logan Municipal Code and applicable state codes.
- B. A hearing examiner may continue a hearing for good cause shown by one of the parties or if the hearing examiner independently determines that due process has not been adequately afforded to such party.
- C. At the request of any party to an administrative enforcement hearing, a hearing examiner may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed necessary by the hearing examiner to decide issues at the hearing. All costs related to the subpoena including witness and mileage fees, shall be borne by the party requesting the subpoena.
- D. A hearing examiner has continuing jurisdiction over the subject matter of an administrative enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative enforcement order; ensuring compliance of that order, which includes authorizing the City to enter and abate a violation; modifying an administrative enforcement order; or, where extraordinary circumstances exist, granting a new hearing.
- E. A hearing examiner may require a responsible person to post a performance bond to ensure compliance with an administrative enforcement order.
- F. A hearing examiner shall not make determinations as to the existence of nonconforming rights. If a responsible person claims a nonconforming right as a defense, the hearing examiner shall continue the administrative enforcement hearing and shall refer the matter to the Logan City ~~Board of Adjustment~~ Land Use Appeal Board for a determination as to the existence of the nonconforming right. The ~~Board of Adjustment's~~ Land Use Appeal Board's decision shall be binding on the hearing examiner. The responsible person shall bear the costs of the appeal to the ~~Board of Adjustment~~ Land Use Appeal Board.

§17.60.230. Procedures at Administrative Enforcement Hearing

- A. Administrative enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; however, an informal exchange of discovery may be required. Any such request shall be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information shall not be disclosed or released unless the complainant is a witness at the hearing. The procedure